

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

DEBBIE JO DEGRAND,

Plaintiff,

v.

Case No. 2:10-cv-43

COMMISSIONER OF SOCIAL SECURITY,

HON. ROBERT HOLMES BELL

Defendant.

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**REPORT AND RECOMMENDATION**

Plaintiff filed this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the denial of social security benefits. On June 3, 2010, defendant filed an answer and transcript of the administrative proceedings. Thereafter, this Court issued an Order Directing Filing of Briefs, in which plaintiff was ordered to file her initial brief by July 2, 2010. That order stated, in part:

The Court expects strict compliance with this briefing schedule. Requests for extensions of time will not be granted except upon a showing of extreme hardship. Failure to adhere to the briefing schedule may result in dismissal of the action or the entry of a default judgment, as appropriate.

On June 25, 2010, plaintiff filed a motion for an extension of time to file her brief. Plaintiff's motion was granted, and plaintiff was provided until July 30, 2010, to file her brief. Plaintiff was warned that no further extensions would be granted. Plaintiff has failed to file an initial brief.

Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, a court may in its discretion dismiss any action based on the failure of the plaintiff to prosecute or comply with any

order of the court. Because plaintiff has failed to comply with the orders of this Court, and has failed to prosecute this case, it is recommended that this case be dismissed.

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within ten (10) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3. Failure to file timely objections constitutes a waiver of any further right to appeal. United States v. Walters, 638 F.2d 947 (6th Cir. 1981). See also Thomas v. Arn, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley  
TIMOTHY P. GREELEY  
UNITED STATES MAGISTRATE JUDGE

Dated: September 9, 2010